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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

THE PEOPLE,

Plaintiff and Respondent,

v.

JIA LIN ZHANG,

Defendant and Appellant.

B207284

(Los Angeles County  
Super. Ct. No. KA079028)

APPEAL from an order of the Superior Court of Los Angeles County,  
Charles E. Horan, Judge. Affirmed.

Lynda A. Romero, under appointment by the Court of Appeal, for Defendant  
and Appellant.

No appearance for Plaintiff and Respondent.

Jia Lin Zhang appeals from the judgment entered following a jury trial in which he was convicted of first degree murder (Pen. Code, § 187, subd. (a)) with the finding that during the commission of the crime he personally used a deadly or dangerous weapon within the meaning of Penal Code section 12022, subdivision (b)(1). He was sentenced to prison for 26 years to life.

The evidence at trial established that on May 6, 2007, El Monte Police Officer Christopher Williams responded to a request to conduct a welfare check at the location of 11547 Lower Azusa, Unit C, in El Monte. When Officer Williams entered the residence, appellant exited the bathroom, raised his hands, and said, "I surrender, I killed my wife."

Officer Williams activated his audiotape recorder and had a brief conversation with appellant. Appellant again said he had killed his wife, that she was upstairs, and that she had been dead for a few days. Officer Williams found the victim in bed with a purple towel over her head. The towel had what appeared to be dried blood around it and the victim's body was cold to the touch. When Officer Williams moved the towel, he observed the victim's face had some disfigurement which confirmed the victim's death was the result of a homicide and not of natural causes.

Homicide investigator Sam Dendekker went to the residence and recovered approximately 80 sheets of paper with Chinese writing on them. Three of the pages were translated into English. The writings said, inter alia, "I killed Chun Mei Wang is first degree murder, but I am not guilty. If killing her is cruel, then hanging Saddam is even crueler. . . . I killed Chun Mei Wang because she was at fault and she deserved it. . . . One month ago I already wanted to kill her, but I couldn't do it. After meditating for one month, I felt like I am a Spartan. . . . May the 4th was my D-Day. Two a.m. in the morning was the time to land on Normandy. . . ." Officer Dendekker found a blood-stained hammer underneath the bed where the victim lay. The blood on the hammer was analyzed and it matched the DNA profile of the victim. Further, it was determined that the hammer could have caused, and was consistent with having caused, the injuries to the victim.

It was determined that the victim died from multiple traumatic injuries, injuries to the head and the brain, and from asphyxia due to smothering. The fact that there was a cloth wrapped around her head and that she had blue discoloration of the fingernails and toenails indicated she was not getting enough oxygen, which indicated she was incapacitated and smothered. She was incapacitated by the blows to her head and unable to breathe sufficiently to overcome the cloth wrapped around her head.

On May 11, 2007, at Men's Central Jail, appellant approached Deputy Sheriff Wadie Musharbash and asked, "Would you like to hear my story?" Appellant stated, "I killed my wife. I hit her over the head with a hammer three or four times while she was asleep in her bed."

Appellant chose not to testify and the defense rested without presentation of any evidence.

After the jury indicated they had reached a verdict, appellant stated he wanted to testify.

After the jury's verdict, appellant stated his attorney had "cheated" him. Appellant's *Marsden*<sup>1</sup> motion was heard and denied. The court advised appellant that he was free to hire counsel of his choosing and should he wish to do that, he should do it in a timely fashion.

On the date set for sentencing, appellant requested a delay in the proceedings so he could hire an attorney. After asking what steps appellant had taken to hire an attorney, the court stated it sounded as if appellant was "in the early stages of perhaps trying to hire a lawyer, like you are trying . . . to get the money to negotiate and hire a lawyer, but I don't believe you've hired a lawyer at this point in time. . . ." The court denied appellant's request.

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<sup>1</sup> *People v. Marsden* (1970) 2 Cal.3d 118.

Following a statement by the victim's sister, appellant was sentenced to 25 years to life plus one year for the use of the dangerous or deadly weapon for a total of 26 years to life. The court retained jurisdiction over the issue of restitution.

After review of the record, appellant's court-appointed counsel filed an opening brief requesting this court to independently review the record pursuant to the holding of *People v. Wende* (1979) 25 Cal.3d 436, 441.

On September 24, 2008, we advised appellant that he had 30 days within which to personally submit any contentions or issues which he wished us to consider.

Thereafter, we received multiple letters from appellant. In English, appellant disputed his guilt and requested that other letters written in Chinese be translated. He objected to the introduction of the several pages of writing received into evidence at his trial. He also submitted a six-page letter in Chinese that was translated into English. He asserted that while incarcerated he was being administered "an overdose of wrong drugs," which were making him groggy. He suspected someone in prison "wanted [him] dead" and "God himself told [appellant] in a dream to be wary of Lee Baca. . . ." Appellant asserted he hit Chun Mei Wang's head with a hammer only after she had died from cancer. Appellant accused the victim's sister, Yan Wang, of killing Chun Mei Wang. Appellant claimed Chun Mei Wang's cancer was a conspiracy between Yan Wang and the homeowner's association of the townhouse in which they all lived.

Appellant also submitted a draft of a letter he wanted to send to the United States government and the California government wherein he claimed he was almost killed by someone in secret and was being discriminated against and tortured. Appellant asserted Yan Wang, the HOA, and three neighbors caused Chun Mei Wang to get cancer. He also asked that his defense attorney, the deputy district attorney, and the judge's "qualifications" be "take[n] away." Additionally, appellant asserted "when rats are poisoned and die in walls they will cause people to get fatal cancer. Therefore I would like to ask the judge to ban sales of rat poison. . . ."

We have examined the entire record and are satisfied that no arguable issues exist. Issues for review must be based on matters in the appellate record. (See *People v.*

*Pearson* (1969) 70 Cal.2d 218, 222.) Further, in reviewing a challenge to the sufficiency of evidence, we do not reweigh the evidence or reevaluate the credibility of witnesses. (See *People v. Ochoa* (1993) 6 Cal.4th 1199, 1206.) With regard to appellant's claim that certain documentary evidence should not have been admitted, the record reflects no objection to the admission of this evidence and appellant has forfeited any claim of error. (See *People v. Saunders* (1993) 5 Cal.4th 580, 590-591.) Further, while appellant claims the documents were not signed and therefore not authenticated, authentication of writing may be made by its content. (See Evid. Code, § 1421.)

Appellant has, by virtue of counsel's compliance with the *Wende* procedure and our review of the record, received adequate and effective appellate review of the judgment entered against him in this case. (*Smith v. Robbins* (2000) 528 U.S. 259, 278; *People v. Kelly* (2006) 40 Cal.4th 106, 112-113.)

#### **DISPOSITION**

The judgment is affirmed.

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SUZUKAWA, J.

We concur:

EPSTEIN, P. J.

MANELLA, J.